

*(Whereupon, at 2:45 P.M., the Convention resolved itself into a Committee of the Whole.)*

*(The mace was removed by the Sergeant-at-Arms.)*

**COMMITTEE OF THE WHOLE**  
**DECEMBER 6, 1967—2:45 P.M.**  
**PRESIDENT H. VERNON ENEY,**  
**PRESIDING**

THE CHAIRMAN: We will resume consideration of Committee Recommendation SF-5. Section 6.05 is now open for amendment. The pages will please distribute amendment A. This will be marked Amendment No. 1.

The Clerk will read the amendment.

READING CLERK: Amendment No. 1 to Committee Recommendation SF-5, by Delegate Marion:

On page 2 section 6.05 Mandatory Appropriations lines 23 and 24, strike out the words "the chief judge of the Superior Court" and insert in lieu thereof the following: "that judge who shall be designated by the chief judge of the Court of Appeals to certify the judicial branch budget."

THE CHAIRMAN: Amendment No. 1 is offered by Delegate Marion. Is there a second?

*(Whereupon, the motion was duly seconded.)*

THE CHAIRMAN: It is seconded by Delegate Mudd.

For what purpose does Delegate Sherbow rise?

DELEGATE SHERBOW: Mr. Chairman, if I may publicly poll our Committee, we may accept this amendment. It is my view that this amendment striking out the words "the chief judge of the Superior Court" and inserting "that judge who shall be designated by the chief judge of the Court of Appeals to certify the judicial branch budget" means that there will be a judge who will be required to certify and testify. It does not require the chief judge of the Court of Appeals to do so, but there will be a judge, and it specifically sets out some person.

Speaking for myself, I would accept the amendment. I would like to know through the Chair if there are any members of our

Committee who would object to accepting it.

THE CHAIRMAN: Just a second.  
 Delegate Della.

DELEGATE DELLA: Mr. Chairman, would Delegate Sherbow yield for a question?

THE CHAIRMAN: Delegate Sherbow?

DELEGATE SHERBOW: Yes, indeed.

THE CHAIRMAN: Delegate Della.

DELEGATE DELLA: The chief judge of the Supreme Bench has delegated those authorities to the administrative agent of the Supreme Bench to formulate the budget and to regulate the schedule of judgment. Now, are you compelling the chief judge to attend this meeting?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: No. What is happening is that it is the state budget of all of the courts which must be sent to the governor and by him transmitted to the legislature. The governor and the legislature have a right to know what is in it, how it got in it; and somebody must be designated who is responsible for it. It would be unseemly to have the chief judge of the Court of Appeals do it. At the same time, it ought not to be delegated to some officer who is not a judge of full and complete stature and responsibility, and all that this amendment purports to do is to spot the person who must be a judge and designated by the chief judge as the one to go before both branches. At the same time, he brings along with him the staff, whoever has done the detail work.

THE CHAIRMAN: Are there any members of the Committee on State Finance and Taxation who object to the amendment?

The Chair hears none.

Delegate Sherbow.

DELEGATE SHERBOW: Mr. Chairman, we accept this amendment and consider it as proper.

THE CHAIRMAN: Is there any discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of